423 648 The lack of formal title to their land under the Venezuelan legal system presents, for the moment, no special problem as regards land used for dwelling, farming, hunting, and fishing. There is no pressure on such land and at present no tendency by non-Kamarakotos to compete for it, although a colonization scheme such as has been suggested might suddenly present the Indians with a 316 very serious and perhaps, for them, insoluble problem. They are, however, 423 already aware of possible difficulty as regards title to the gold deposits in their 643 territory, even though the gold so far discovered has not been sufficient to [648] cause a serious invasion of their remote region. Their reasoned attitude regarding this is to establish title to the gold deposits for the cacique. In their consideration he is not, however, a personal owner but only a custodian on behalf of the whole group, just as household property can be considered as belonging, in a rather vague but real sense, to the head of the household but is freely used by all its members. There is a rather close analogy to the crown lands of a constitutional monarchy, where title is said to belong to the king but he is in fact an owner only as he represents the state as a whole and the property is actually communal.

This communal nature of the mines that "belong" to the cacique is shown in practice by the fact that any adult male member of the tribe has the right of working the mines and that the gold found by any man becomes his personal property without any deduction of royalty, rental, or tribute. Even further than this, if a particularly rich pocket is discovered it is customary to notify the other members of the tribe so that anyone who wishes to can share in it.

422 425 Movable possessions are more rigidly owned than is land and in this case the ownership is usually to be considered as purely personal and not as communal even in the sense that household lands belong to the family group rather than specifically to the to⁹-esa⁹ as an individual. Here the principles of ownership arising from manufacture, as between different households, and from use, [437] as within a household, are dominant. Thus a new hammock made by a woman of a given household is the property of that household and its barter to another group may be by the maker or by the to⁹-esa⁹ as representing the household, but if it is assigned to and used by a particular member of the household, it is [437] his, or her, personal property. So, too, in barter or purchase of goods from [937] other tribes or from Venezuelans, this may be done on a purely personal basis or by the to⁹-esa⁹ for his household and subsequent personal ownership is established by the individual who uses the object or material in question.

[126] In our trading with the Indians, it was noteworthy, for instance, that a basket made, of course, by a man but already in use by a woman, was not sold except with the woman's consent and that the price was generally payable to her or for her benefit. On the other hand, a new basket was sold by and for the 461 maker. In paying for labor, the women generally spent the sums due them on 465 themselves and on the young children, not for their husbands. Commonly a man [593] would trade his labor for goods for his family rather than for himself.

461 would trade his labor for goods for his family rather than for himself. Among
465 the Indians themselves the employment of labor is not uncommon and is paid
[474] either by labor in return or by goods, such as baskets or other common objects of trade. For instance one man may definitely employ another (outside his household — those in the household are of course obligated to help freely) to help erect his house and in return will do an equivalent amount of work for the man employed or will give him an equitable amount of food, drink, or articles of trade. This practice contains the germs of definite class differentiation into employees and laborers, but such differentiation has not at all occurred as yet.
[556] Generally speaking, there is no pronounced difference in wealth between different households and no one man is much more likely to be an employer than an employee.

Crime and Punishment.

173 According to present statements, the ancient penal code of the tribe, if
673 an indefinite and unwritten customary handling of the problem of crime can be
[681] so called, recognized basically only one crime, that of being hopelessly undesirable, and one punishment, death. Judgment as to the undesirability of a
[682] member of the tribe was based on the commission of antisocial actions, among
[685] which unjustified murder, violation of fishing rights, and habitual thievery
173 were specifically mentioned. A household might take matters into its own
692 hands, but this was considered undesirable and the regular, one might say the
643 truly legal, procedure was to lay the complaint before the cacique who judged
[627] its accuracy and gravity, but apparently without holding anything resembling
[696] a formal hearing or trial. If he condemned the criminal, he assigned the duty of executing him to any members of the tribe, such as the male complainants, and the sentence was carried out without further formality as soon as opportunity presented.

674 At present, the Indians say, crime is so nearly unknown that no regular
[681] system of punishment is required. It is easy to believe that serious crime is
[157] extremely rare as the amity of the Kamarakotos is amazing. Even when they
[273] were violently drunk no quarreling was seen, still less any attempts at physical injury. They are, however, human and it is incredible that no crime ever is
[178] committed. From answers to hypothetical questions as to what would be done if a crime should occur, it is evident that the old code is still considered natural and just and I have no doubt that it would be, and probably is, still applied if
685 occasion arises. Specifically, it was stated that unprovoked murder and serious
[682] violation of fishing rights merit death and that this should be administered un-
[696] der direction of the cacique but might well be undertaken by the injured house-
[627] hold on its own initiative. Theft, on the other hand, is now considered theoretically (and probably also in practice although no specific instance could be